

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SITO MOBILE R&D IP, LLC, and
SITO MOBILE, LTD.,

Plaintiffs,

v.

THESTREET, INC.,

Defendant.

Case No. 21-1571-CFC

Jury Trial Demanded

**PLAINTIFFS' RESPONSE TO DEFENDANT'S
MOTION TO STAY PENDING *INTER PARTES*
REVIEW AND COVERED BUSINESS METHOD REVIEW**

As indicated in Defendant's Rule 7.1.1 certification attached to its motion (D.I. 11), Plaintiffs SITO Mobile R&D IP, LLC and SITO Mobile, Ltd. ("Plaintiffs") do *not* oppose Defendant TheStreet, Inc.'s ("Defendant") Motion to Stay Pending *Inter Partes* Review and Covered Business Method Review.

Therefore, and consistent with the other pending related cases, Plaintiffs respectfully request the Court to (1) stay the case until fourteen days after resolution of the following covered business method ("CBM") review and *inter partes* reviews ("IPR"): CBM2020-00028, IPR2021-00158, IPR2021-00206, IPR2021-00219, IPR2021-00265, IPR2021-00298, IPR2021-00304, and IPR2021-00308; (2) order the parties to meet and confer and file a joint status report no later

than fourteen days after resolution of these post-grant review proceedings, advising the Court as to how this case should proceed; and (3) order the Defendant to be bound in this matter by the outcomes of the IPRs and CBM to the same extent that the petitioner in the IPRs and CBM, Hulu, LLC, is bound, creating statutory estoppel under 35 U.S.C. § 315(e)(2).

January 12, 2022

Respectfully submitted,

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